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FINANCING OF THE INTERNATIONAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF THE FORMER YUGOSLAVIA SINCE 1991

Report of the Advisory Committee on Administrative and Budgetary Questions

1. The Advisory Committee had a preliminary consideration of the report of the Secretary-General on the financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (A/C.5/49/42). That report was submitted to the General Assembly at its forty-ninth session pursuant to Assembly resolution 48/251 of 14 April 1994. During its consideration of this item, the Committee met with the Prosecutor and the Registrar of the International Tribunal and with representatives of the Secretary-General.

2. As the Secretary-General stated in paragraph 1 of his report, the report should be read in conjunction with the initial report on the financing of the International Tribunal (A/C.5/48/44), the addendum to that report on revised cost estimates of the International Tribunal for the biennium 1994-1995 (A/C.5/48/44/Add.1) and the report on conditions of service and allowances of the members of the International Tribunal (A/C.5/48/36), which were submitted at the resumed forty-eighth session, as well as the report of the Secretary-General on conditions of service and allowances of the members of the International Tribunal (A/C.5/49/11), submitted to the General Assembly at its forty-ninth session. The Advisory Committee intends to revert to these matters and review in detail all relevant administrative and budgetary aspects of the International Tribunal.

3. The Advisory Committee notes from table 1 of the Secretary-General's report (A/C.5/49/42) that the requirements for the 1994-1995 biennium are $10,780,000 for 1994 and $28,378,600 for 1995. In this connection, the Committee notes that the 1994 requirements have been maintained within the amount authorized by the

General Assembly in its resolution 48/251, paragraph 9, namely $11 million for the period from 1 January to 31 December 1994, including the amount of $5.6 million it had authorized in its decision 48/461 of 23 December 1993.

4. With regard to staffing issues, in his report the Secretary-General proposes 260 posts, or 152 additional posts, as compared to 108 in the previous proposed staffing structure (A/C.5/48/44, table 3), excluding 11 judges. As noted above, the Advisory Committee intends to examine the staffing proposals early next year, and will take into account its observations on staffing issues presented in paragraph 13 of its report (A/48/915).

5. In the meantime, the Advisory Committee has requested information on the requirements of the International Tribunal for the first three months of 1995, pending the consideration of these matters by the Advisory Committee and the General Assembly early in 1995. In response to the Advisory Committee's request, it was informed that these requirements would total $7 million for the period from 1 January to 31 March 1995.

6. Upon inquiry, the Committee was informed that, as of December 1994, no vacancies existed in the staff of the International Tribunal, as staff have been recruited rapidly in accordance with the foreseen staffing table for 1994, taking into account the authority granted by the General Assembly to the Secretary-General in paragraph 10 of resolution 48/251.

7. The Advisory Committee notes from paragraphs 12 and 14 of the Secretary-General's report that it is anticipated that, as from March 1995, the International Tribunal will be in regular session through all of 1995, but that it is difficult to predict precisely how many trials will take place in 1995. During the initial hearing, the Committee was informed that the Tribunal will be fully operational from March 1995 onward, with the possibility of conducting proceedings away from The Hague. In this regard, arrangements have already been made to secure office premises in Zagreb and Sarajevo.

8. Taking into account the need of additional funding prior to the review of the proposals by the Advisory Committee and the General Assembly in early 1995, the Committee recommends that the Assembly approve an additional amount of $7 million to allow the International Tribunal to continue its activities through 31 March 1995. The Committee also recommends, however, that this additional funding be granted without prejudice to recommendations that the Committee might make to the Assembly in February 1995 and the decisions that the Assembly might take thereon with regard to the budgetary and administrative matters, including posts, concerning the Tribunal (see para. 2 above). In this connection, the Advisory Committee recommends that the authority to enter into contractual arrangements for staff for periods of up to one calendar year should be continued. In administering this authority, it should be borne in mind that the staffing table has not yet been approved.

9. The Advisory Committee wishes to point out that the mode of financing the expenses of the Tribunal has yet to be decided by the General Assembly. Such arrangements as may be decided will apply to amounts committed in 1994 under the

authority granted by the General Assembly in paragraph 9 of resolution 48/251 (see para. 3 above) as well as to such amounts as may be approved for 1995 (see para. 8 above).